

UNITED STATES DISTRICT COURT

HEADQUARTERS
220 EAST ROSSER - ROOM 476
POST OFFICE BOX 1193
BISMARCK, ND 58502

DISTRICT OF NORTH DAKOTA

ROBERT ANSLEY
CLERK

DIVISIONAL OFFICE
655 1ST AVENUE NORTH
SUITE 130
FARGO, ND 58102

TELEPHONE: (701) 297-7000
FACSIMILE: (701) 297-7005

United States District Court
District of Nevada
333 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: Samuel Davis
Our Case Number 4:12-mj-139
Your Case Number 2:09-cr-078

Date: 8/8/2012

Dear Clerk,

The above referenced case has been ordered returned to your district pursuant to the following rule:

- ☒ Rule 5(c)(3)
☐ Rule 20
☐ Rule 20/21 Return

You may access electronically filed documents in this case at our ECF/PACER web address: http://www.ndd.uscourts.gov/cm_ecf.html. Enclosed please find a copy of the docket sheet for this case and the order directing the transfer. If you need paper copies of any documents please contact the office listed below:

☒ Office of the Clerk
220 East Rosser Ave.
Suite 476
Bismarck, ND 58501
701-530-2300

☐ Office of the Clerk
655 1st Ave. North
Suite 130
Fargo, ND 58102
701-297-7000

Sincerely,

Robert Ansley, Clerk

By: /s/ Renee Svihl, Deputy Clerk

Enclosure

UNITED STATES DISTRICT COURT

for the
District of North Dakota

United States of America)

v.)

Samuel Davis)

Case No. 4:12-mj-139Defendant

Charging District's

Case No. 2:09-cr-00078

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the District of Nevada.

The defendant may need an interpreter for this language: _____

The defendant:

- ☐ will retain an attorney
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

The defendant's custody status:

- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
☒ Other:

Defendant waived his right to an identity hearing and admitted that he is the Samuel Davis named in the Petition for Revocation of Pretrial Release filed in the District of Nevada.

Defendant failed to prove after a hearing that he is not a risk of flight based on his failure to self surrender for service of his sentence as ordered by the Court and the reason that he gave for his failure to self surrender.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled.

Date: 08/07/2012/s/ Charles S. Miller, Jr.*Judge's signature*Charles S. Miller, Jr., Magistrate Judge*Printed name and title*

RETURN		
This commitment was received and executed as follows:		
DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL

**U.S. District Court
District of North Dakota (Northwestern)
CRIMINAL DOCKET FOR CASE #: 4:12-mj-00139-CSM All Defendants
Internal Use Only**

Case title: USA v. Davis

Date Filed: 08/07/2012

Assigned to: Magistrate Judge Charles
S. Miller, Jr

Defendant (1)

Samuel Davis

represented by **Heather McCord Mitchell**
FEDERAL PUBLIC DEFENDER
OFFICE
FEDERAL PLAZA
324 N 3 ST STE 1
BISMARCK, ND 58501
701-250-4500
Email: heather_mitchell@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:3148(b) SANCTIONS FOR
VIOLATION OF A RELEASE
CONDITION

Disposition

Plaintiff

USA

represented by **Gary L. Delorme**
 U.S. ATTORNEY'S OFFICE
 PO BOX 699
 BISMARCK, ND 58502
 701-530-2420
 Email: Gary.Delorme@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/07/2012		Attorney update in case as to Samuel Davis. Attorney Heather McCord Mitchell for Samuel Davis added. (cs) (Entered: 08/07/2012)
08/07/2012		Arrest (Rule 5(c)(3)) of Samuel Davis (jt) (Entered: 08/07/2012)
08/07/2012	<u>1</u>	(Copy) Petition for Action on Conditions of Pretrial Release from District of Nevada as to Samuel Davis (Attachments: # <u>1</u> Warrant for Arrest)(jt) (Entered: 08/07/2012)
08/07/2012	<u>2</u>	NOTICE OF HEARING as to Samuel Davis: Initial Appearance - Rule 5(c)(3) set for 8/7/2012 at 03:45 PM in Bismarck VCR to Minot VCR before Magistrate Judge Charles S. Miller Jr.. (jt) (Entered: 08/07/2012)
08/07/2012	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge Charles S. Miller, Jr: Initial Appearance in Rule 5(c)(3) Proceedings as to Samuel Davis held on 8/7/2012 (Court Reporter SE) (cs) (Entered: 08/07/2012)
08/07/2012	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Samuel Davis by Magistrate Judge Charles S. Miller, Jr. (BG) (Entered: 08/07/2012)
08/07/2012	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to Samuel Davis. Defendant committed to District of Nevada. By Magistrate Judge Charles S. Miller, Jr. (BG) (Entered: 08/07/2012)
08/08/2012		RULE 5(c)(3) Documents Sent to District of Nevada as to Samuel Davis (rs) (Entered: 08/08/2012)

Case 2:09-cr-00078-JCM -RJJ Document 253 *SEALED* Filed 06/29/12 Page 2 of 3

DANIEL G. BOGDEN
United States Attorney
ERIC JOHNSON
Assistant United States Attorney
333 Las Vegas Blvd South, Suite 5000
Las Vegas, Nevada 89101
(702) 388-6271

UNITED STATES DISTRICT COURT
District of Nevada

UNITED STATES OF AMERICA,)
Plaintiff,)
)
 v.)
)
Samuel DAVIS)
Defendant)

Case No. 2:09-cr-00078-JCM-RJJ-1

PETITION FOR ACTION
ON CONDITIONS OF
PRETRIAL RELEASE

Attached hereto and expressly incorporated herein is a Petition for Action on Conditions of Pretrial Release concerning the above-named defendant prepared by Jaime B. Stroup, Pretrial Services Officer. I have reviewed that Petition and believe there is sufficient credible evidence which can be presented to the Court to prove the conduct alleged, and I concur in the recommended action requested of the Court.

Dated this 28th day of June, 2012.

DANIEL G. BOGDEN
United States Attorney

By /S/
Eric Johnson
Assistant U. S. Attorney

Case 2:09-cr-00078-JCM -RJJ Document 253 *SEALED* Filed 06/29/12 Page 3 of 3

PS 8
(Revised 12/04)

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEVADA**

U.S.A. vs. Samuel DAVIS

Docket No. 2:09-cr-00078-JCM-RJJ-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Jaime Stroup, UNITED STATES PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Samuel DAVIS, who was placed under pretrial release supervision by the Honorable Lawrence R. Leavitt in the Court at Las Vegas, Nevada on March 6, 2009, on a Personal Recognizance Bond, with the following conditions:

1. Pretrial Services supervision.
2. Obtain no passport.
3. Travel restricted to the state of Nevada and the state of Idaho unless approved by Pretrial Services.
4. Refrain from possessing any firearm, destructive device, or any other dangerous weapons while case is pending.
5. Maintain current residence and notify Pretrial Services prior to any change.

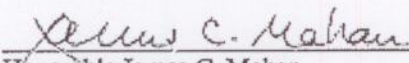
Respectfully presenting petition for action of Court and for cause as follows:

The defendant failed to self-surrender on June 27, 2012 by noon, as ordered by the Court.

PRAYING THAT THE COURT WILL ORDER THAT A WARRANT BE ISSUED BASED UPON THE ALLEGATIONS OUTLINED ABOVE. FURTHER, THAT A HEARING BE HELD TO SHOW CAUSE WHY PRETRIAL RELEASE SHOULD NOT BE REVOKED.

ORDER OF COURT


Considered and ordered this 29 day of June, 2012 and ordered filed and made a part of the records in the above case.


Honorable James C. Mahan
U.S. District Judge

I declare under penalty of perjury that the information herein is true and correct.

Executed on this 28th day of June, 2012.

Respectfully Submitted,


Jaime B. Stroup
United States Pretrial Services Officer

Place: Las Vegas, Nevada

Case 2:09-cr-00078-JCM -RJJ Document 254 *SEALED* Filed 06/29/12 Page 2 of 2

AO 442 (Rev. 10/03) Warrant for Arrest

1648326

UNITED STATES DISTRICT COURT

District Nevada

UNITED STATES OF AMERICA

V.

Samuel DAVIS

WARRANT FOR ARREST

Case 2:09-cr-00078-JCM-RJJ-1

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to Samuel DAVIS
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment
 ☐ Information
 ☐ Complaint
 ☐ Order of court
 ☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☒ Violation Notice

charging him or her with (brief description of offense)

Petition for Action on Conditions of Pretrial

in violation of Title 18 United States Code, 3148(b)

LANCE S. WILSON

CLERK

Lance S. Wilson

(By) DEPUTY CLERK



June 29, 2012 Las Vegas, Nevada

DATE

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

United States of America

-vs-

Criminal Case. No. 4:12-mj-139

Samuel Davis

CLERK'S MINUTES OF HEARING BY VIDEO CONFERENCE (Minot)

Hon. Charles S. Miller
Bismarck, North Dakota

Court Reporter: SE

Proceedings: IA Rule 5(c)(3) - Nevada Warrant

Date: August 7, 2012

Time: 3:50 PM

Clerk: Candace M. Schafer, CLA

USPO: Diane Herrmann

APPEARANCES: Gary Delorme

Heather Mitchell - FPD

Dft advised of rights and procedures

Dft states he understands rights as explained to him

Dft questioned by Court as to general background

Dft requests court appointed counsel

Court appoints Heather Mitchell FPD

Dft acknowledges that he is the Samuel Davis who is the subject of the warrant

Court accepts admission as knowingly and voluntarily made with advice of counsel

Court orders that dft be placed into custody of the USM for transport to the District of Nevada

Recess 4:15 PM

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	ORDER FOR APPOINTMENT
Plaintiff,)	OF COUNSEL
)	
vs.)	
)	Case No.: 4:12-mj-139
Samuel Davis,)	
)	
Defendant.)	

Defendant has applied for court-appointed counsel in this matter. The Court has inquired and is satisfied that Defendant is qualified for representation under 18 U.S.C. § 3006A.

Accordingly, the Federal Public Defender for the District of North Dakota is appointed to represent the Defendant in this matter. The Defender's office is directed to file a Notice of Appearance designating the specific Assistant Federal Public Defender who will appear as counsel of record in the case.

IT IS SO ORDERED.

Dated this 7th day of August, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge